THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.1263 OF 2006

Dated: 25-01-2006

Between

G. Durga Prasad, S/o. Appa Rao,

Occ: Business, R/o. Vijayapuri

South, Nalgonda District.

...PETITIONER

AND

State of Andhra Pradesh,

Rep. by its Principal Secretary,

Irrigation & CAD Department,

Secretariat Buildings, Hyderabad

and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in seeking to evict the petitioner from the site in an extent of 167 Sq. yards admeasuring 50' X 30' adjacent to B & R Section Office, abutting Launch Station, Vijayapuri South and also seeking to disconnect the power connection vide SC No.108/R&B as illegal and arbitrary.

Learned counsel for the petitioner submits that the

above-mentioned site belonging to the Irrigation Department was under the occupation of Sriram Murthy wherein he was running a hotel and electric supply was given to the said premises in his name.

After the death of Sriram Murthy, the petitioner filed an application dated 31.03.2005 before the second respondent requesting to transfer the temporary site and power supply in the name of Sriram Murthy to his name – G. Durga Prasad. The said application was recommended by the Deputy Executive Engineer, BR Sub-Division, Hill Colony vide letter dated 30.04.2005 based on which the Executive Engineer,

B&R Division, Hill Colony, Nagajunasagar Dam vide proceedings dated 30.05.2005 effected the change of name in respect of the site as well as power supply No. TS 103/RB. Thereafter impugned notice dated 07.01.2006 has been issued by the Assistant Engineer, Electrical Section, Vijayapuri South, stating that the petitioner misleaded the authorities in effecting the change of name and directed him to surrender the said site to the concerned authorities otherwise necessary action will be taken within two days. The learned counsel further submits that without giving any reasonable opportunity to explain whether the petitioner misleaded the authorities in effecting the change of name, straightaway impugned notice has been issued directing the petitioner to hand over the said premises.

Having regard to the facts and circumstances of the case,

the impugned notice dated 07.01.2006 issued by the Assistant Executive Engineer, Electrical Section, DCAL Right Bank, Nagarjunasagar Dam, Vijayapuri South, shall be treated as a show cause notice permitting the petitioner to file his objections/explanation within one week from today and on such an explanation being filed, the third respondent may take appropriate action in accordance with law, till then no coercive steps for eviction shall be taken against the petitioner.

The writ petition is accordingly disposed of.

_____

V. ESWARAIAH, J

January 25, 2006

DSK